

OFFICIAL COPY

Fresno, California

July 16, 2002

The City Council met in regular session at the hour of 8:32 a.m. in the Council Chambers, City Hall, on the day above written.

Present:	Tom Boyajian	Councilmember
	Brian Calhoun	Councilmember
	Jerry Duncan	Councilmember
	Sal Quintero	Councilmember
	Dan Ronquillo	Councilmember
	Brad Castillo	Acting Council President

Absent:	Henry Perea	Council President
---------	-------------	-------------------

Dan Hobbs, City Manager  
Hilda Cantu Montoy, City Attorney  
Becky Klisch, City Clerk  
Yolanda Salazar, Assistant City Clerk

Pastor Robert O'Berg, Trinity Lutheran Church, gave the invocation, and Councilmember Duncan led the Pledge of Allegiance to the Flag.

APPROVE MINUTES OF JUNE 18, 25 AND JULY 9, 2002

On motion of Councilmember Quintero, seconded by Councilmember Duncan, duly carried, RESOLVED, the minutes of June 18, 25 and July 9, 2002, approved as submitted.

- - - -

**APPROVE AGENDA:**

**(9:35 A.M.) APPEARANCE BY YOLANDA MORENO TO DISCUSS LETTER RECEIVED FROM CODE ENFORCEMENT RELATING TO NOTICE OF PUBLIC NUISANCE SUMMARY ABATEMENT BILLING FOR PROPERTY AT 2710 N. FRUIT AVENUE**

Request to appear withdrawn by the applicant.

**(1-A) APPROVE PROFESSIONAL SERVICES AGREEMENT WITH RRM DESIGN GROUP CONSULTING/ ARCHITECTURAL ENGINEERS FOR THE DESIGN OF FIRE STATION NO. 21 AT MAPLE AND INTERNATIONAL AVENUES**

Removed from the agenda by staff; rescheduled for July 23, 2002.

216 (ANNUAL APPROPRIATION RESOLUTION) SUBMITTED BY MAYOR ON JUNE 30, 2002

**1. ACTION #3-B(a)** - RECONSIDER \$30,000 IN CDBG FUNDING FOR REPAIRS OF CALWA PARK SWIMMING POOL

**-and-**

**(5-E)** CONSIDER COUNCIL OVERRIDE OF LINE ITEM VETOES REGARDING RESOLUTION NO. 2002-216 (ANNUAL APPROPRIATION RESOLUTION) SUBMITTED BY MAYOR ON JUNE 30, 2002 - PRESIDENT PEREA

**5. ACTION #3-B (b)** - FUNDING \$30,000 REQUEST FROM CALWA PARK FROM SOCIAL SERVICE FUNDING - PRESIDENT PEREA

Councilmember Quintero noted the funding for the Calwa Park pool was being requested from two different sources (CDBG and social services), stated he did not know if CDBG funds could be used for that purpose, and advised he would work with the city manager on the issue. Relative to the override issue **(5E-5)**, Councilmember Quintero questioned why President Perea's name was listed with the issue when it was his item adding he was not even contacted to see if he wanted his name included, with City Clerk Klisch advising of the process of Council members placing veto items on the agenda.

**(5-B)** RECONSIDERATION OF SPECIFIC LINE ITEMS OF RESOLUTION NO. 2002-218 (ANNUAL AMENDMENT TO MFS RES. 80-420) SUBMITTED BY MAYOR AUTRY ON JUNE 30, 2002:

1. **ACTION #1-A** - RECONSIDER INCREASE IN CURRENT RATES FOR WATER SERVICES BY 8%

2. **ACTION #1-B** - RECONSIDER INCREASE IN CURRENT RATES FOR RESIDENTIAL SOLID WASTE SERVICES BY 9.5%

3. **ACTION #1-C** - RECONSIDER INCREASE IN CURRENT RATES FOR COMMERCIAL SOLID WASTE SERVICES BY 15%

**(CONTINUE TO JULY 23, 2002, AT 9:00 A.M.)**

**-and-**

**(5-C)** RECONSIDERATION AND ACTION REGARDING SPECIFIC LINE ITEMS OF RESOLUTION NO. 2002-216 (ANNUAL APPROPRIATION RESOLUTION) SUBMITTED BY MAYOR ON JUNE 30, 2002

1. **ACTION #4** - RECONSIDER \$150,000 OF CITY CONTRIBUTION TO EDC PLACED INTO CONTINGENCY; REQUEST FUNDING BE RESTORED TO EDC IN ENTIRE PROPOSED AMOUNT OF \$300,000

2. **ACTION #5** - RECONSIDER REMOVAL OF \$50,000 FUNDING FOR THE FRESNO WEST APPRENTICESHIP JOB (\$33,000) AND FRESNO WEST ENTREPRENEURIAL TRAINING (\$17,000) PROGRAM BY REINSTATING CDBG FUNDING AS INCLUDED IN PROPOSED BUDGET

3. **ACTION #6** - RECONSIDER REMOVAL OF \$17,000 IN FUNDING FOR THE DOWNTOWN CDC - RESIDENT HOUSING SURVEY BY REINSTATING CDBG FUNDING AS INCLUDED IN PROPOSED BUDGET

**(CONTINUE TO JULY 23, 2002, AT 9:00 A.M.)**

**-and-**

**(5-D)** RECONSIDERATION AND ACTION REGARDING SPECIFIC LINE ITEMS OF RESOLUTION NO. 2002-216 (ANNUAL APPROPRIATION RESOLUTION) SUBMITTED BY MAYOR ON JUNE 30, 2002

1. **ACTION #3-B(A)** - RECONSIDER \$30,000 IN CDBG FUNDING FOR REPAIRS OF CALWA PARK SWIMMING POOL

2. **ACTION #7-B** - RECONSIDER PLACING \$12,000 IN CONTINGENCY OF CITY CLERK'S OFFICE FOR FUNDING AGENDA SYSTEM UPON COMPLETION OF COST BENEFIT AND COMPATIBILITY STUDIES

**(CONTINUE TO JULY 23, 2002, AT 9:00 A.M.)**

**(5-E)** CONSIDER COUNCIL OVERRIDE OF LINE ITEM VETOES REGARDING RESOLUTION NO. 2002-216 (ANNUAL APPROPRIATION RESOLUTION) SUBMITTED BY MAYOR ON JUNE 30, 2002 - PRESIDENT

PEREA

1. ACTION #2 - \$2,300,000 APPROPRIATION FOR NEIGHBORHOOD INFRASTRUCTURE PROJECTS - COUNCILMEMBER BOYAJIAN AND PRESIDENT PEREA
2. ACTION #3-1 - \$100,000 FROM APPROPRIATION FOR SOCIAL SERVICE FUNDING - PRESIDENT PEREA
3. ACTION #3-C - \$40,000 FROM CDBG FUNDING FOR IN-FILL HOUSING TO BE PROVIDED BY C.U.R.E. - PRESIDENT PEREA
4. ACTION #8 - \$5,100 APPROPRIATED FOR SALARY INCREASE INCLUDED IN BUDGET FOR DISTRICTS 1, 3, 5 AND 7 - COUNCILMEMBER BOYAJIAN
5. ACTION #3-B(b) - FUNDING \$30,000 REQUEST FROM CALWA PARK FROM SOCIAL SERVICE FUNDING - PRESIDENT PEREA
6. ACTION #7-A - \$12,000 FOR NEW AGENDA SYSTEM IN CITY CLERK'S BUDGET - COUNCILMEMBER BOYAJIAN

(CONTINUE TO JULY 23, 2002, AT 9:00 A.M.)

**-and-**

**(5-F)** REQUEST STAFF TO RETURN WITH ENABLING DOCUMENT NECESSARY TO TRANSFER \$161,400 FOR THE GENERAL FUND CONTINGENCY TO THE INFORMATION SERVICES DEPARTMENT TO BE USED FOR CUSTOMER SERVICES SECTION - ACTING PRESIDENT CASTILLO

(CONTINUE TO JULY 23, 2002, AT 9:00 A.M.)

Councilmember Calhoun stated he specifically asked that the above entitled budget items be scheduled this date for action, stated Council was on a tight time line to approve the budget, noted President Perea was not present and there was a request to carry the items over another week, expressed concern that Council was not asked for their input on the request, and questioned the process, recourse, and how the matter got to this point, with City Clerk Klisch and City Attorney Montoy responding and clarifying it was up to Council to decide this date whether to act on the items as scheduled or support the request to continue.

A motion of Councilmember Calhoun, seconded by Councilmember Duncan, to hear the above entitled Items **5-B, 5-C, 5-D, 5-E** and **5-F** this date as scheduled failed, by the following vote:

Ayes	:	Calhoun
Noes	:	Boyajian, Duncan, Quintero. Ronquillo, Castillo
Absent	:	Perea

**(10:45 A.M. #1)** HEARING ON REZONING APPLICATION NO. R-02-009, FILED BY WERNER GRAF, PROPERTY LOCATED AT 7150 - 7190 N. MAPLE AVENUE (LOCATED IN DISTRICT 6)

1. BILL - AMENDING THE OFFICIAL ZONE MAP TO REZONE FROM R-2/UGM/CZ, WITH CONDITIONS, WHICH LIMITS THE DENSITY ON THE SITE TO 12 UNITS PER ACRE MAXIMUM, TO R-2/UGM  
(STAFF AND APPLICANT REQUEST CONTINUANCE TO JULY 30, 2002, AT 10:30 A.M.)

Continued as requested.

On motion of Councilmember Quintero, seconded by Councilmember Boyajian, duly carried, **RESOLVED**, the **AGENDA** hereby approved, by the following vote:

Ayes	:	Boyajian, Calhoun, Duncan, Quintero, Ronquillo, Castillo
Noes	:	None

Absent : Perea

- - - -

**ADOPT CONSENT CALENDAR:**

(1-C) APPROVE ACQUISITION OF, AND ACCEPT THE GRANT DEED FOR, A 10,800 SQUARE FOOT PARCEL ON THE SUNNYSIDE ALIGNMENT SOUTH OF CHURCH, FROM GRANVILLE HOMES FOR THE APPRAISED VALUE OF \$8,700 FOR THE EXPANSION OF PUMP STATION NO. 182, AND AUTHORIZE THE ASSISTANT PUBLIC WORKS DIRECTOR TO SIGN THE AGREEMENT FOR PURCHASE AND SALE OF REAL ESTATE AND ESCROW INSTRUCTIONS ON BEHALF OF THE CITY

(1-D) APPROVE AMENDMENT NO. 2 TO THE PROFESSIONAL SERVICES AGREEMENT WITH BLAIR, CHURCH AND FLYNN CONSULTING ENGINEERS TO RE-BID THE NORTH AVENUE TRUNK SEWER PROJECT, AND AUTHORIZE THE CITY MANAGER TO SIGN TH AMENDMENT ON BEHALF OF THE CITY

(1-E) AUTHORIZE ACCEPTANCE OF FY 2003 GRANT FUNDS FROM THE STATE OF CALIFORNIA DEPARTMENT OF ALCOHOLIC BEVERAGE CONTROL (ABC) FOR ENFORCEMENT OF LAWS AND REGULATIONS PERTAINING TO THE SALE OF ALCOHOL TO MINORS

1. \* **RESOLUTION NO. 2002-238** - 2<sup>nd</sup> AMENDMENT TO AAR 2002-216 APPROPRIATING \$100,000 FOR THE GRANT

2. \* **RESOLUTION NO. 2002-239** - 1<sup>ST</sup> AMENDMENT TO PAR 2002-217 ADDING ONE POLICE OFFICER POSITION FOR FY 2003

(1-F) \* **RESOLUTION NO. 2002-240** - 1<sup>ST</sup> AMENDMENT TO AAR 2002-216 APPROPRIATING \$50,000 IN GRANT FUNDS FROM THE CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD TO REPLACE CHILDREN'S PLAY EQUIPMENT AT FINK-WHITE PLAYGROUND

(1-I) APPROVE 3-MONTH AGREEMENT WITH THE FRESNO CITY AND COUNTY CONVENTION & VISITORS BUREAU AND AUTHORIZE THE CITY MANAGER TO EXECUTE THE AGREEMENT

(1-J) \* **RESOLUTION N. 2002-241** - 4<sup>TH</sup> AMENDMENT TO AAR 2002-216 APPROPRIATING \$3,668,400 FOR THE ADDITIONAL FUND REQUIRED FOR THE BUY DOWN OF 1991 SEWER SYSTEM BONDS ON 8/1/02

On motion of Councilmember Ronquillo, seconded by Councilmember Quintero, duly carried, RESOLVED, the above entitled **CONSENT CALENDAR** hereby adopted, by the following vote:

Ayes : Boyajian, Calhoun, Duncan, Quintero, Ronquillo, Castillo  
Noes : None  
Absent : Perea

**CONSENT CALENDAR - BILL FOR INTRODUCTION:**

(2-A)\* **BILL NO. B-38** - AMENDING THE FRESNO MUNICIPAL CODE MAKING TECHNICAL CORRECTIONS TO THE CITY OF FRESNO EMPLOYEES RETIREMENT SYSTEMS

On motion of Councilmember Ronquillo, seconded by Councilmember Quintero, duly carried, RESOLVED,

the above entitle Bill No. B-38 introduced before the Council and laid over, by the following vote:

Ayes	:	Boyajian, Calhoun, Duncan, Quintero, Ronquillo, Castillo
Noes	:	None
Absent	:	Perea

- - - -

**(3A) UPDATE ON URBAN GROWTH MANAGEMENT (UGM) PROGRAM FOR FIRE STATIONS IN SOUTHEAST FRESNO**

Assistant City Manager Souza gave a brief overview of the issue as contained in the staff report as submitted, advised a full discussion on fees and service areas would be held on July 30<sup>th</sup>, and along with Interim Public Works Director Owens responded briefly to questions of Councilmembers Quintero and Calhoun relative to whether the dates in a memo were still on track, request to have the city attorney review the report before it is presented to Council, and if Council would be taking action on July 30<sup>th</sup> and if direction could be given at that time. There was no further discussion.

- - - -

**(3B) ADOPT ORDINANCES AMENDING THE FRESNO MUNICIPAL CODE CLARIFYING THE APPLICATION OF UNIFORMED SERVICES EMPLOYMENT AND RE-EMPLOYMENT RIGHTS ACT (USERRA) (CLARIFYING THE STATUS OF INDIVIDUALS RETURNING FROM MILITARY SERVICE AND RESUMING MEMBERSHIP IN THE FIRE AND POLICE AND EMPLOYEES' RETIREMENT SYSTEMS)**

**1. \* BILL NO. B-34 - ORDINANCE NO. 2002-36 - FIRE AND POLICE RETIREMENT SYSTEM**

**2. \* BILL NO. B-35 - ORDINANCE NO. 2002-37 - EMPLOYEES RETIREMENT SYSTEM**

Retirement Administrator McDivitt stated this was a clean up item and gave a brief overview of the issue as contained in the staff report as submitted. A motion a second was made to adopt the ordinances, and Mr. McDivitt responded briefly to questions of Acting President Castillo relative to whether the issue had been discussed with the retirement boards.

On motion of Councilmember Ronquillo, seconded by Councilmember Duncan, duly carried, RESOLVED, the above entitled Bill Nos. B-34 and B-35 adopted as Ordinance Nos. 2002-36 and 2002-37 respectively, by the following vote:

Ayes	:	Boyajian, Calhoun, Duncan, Quintero, Ronquillo, Castillo
Noes	:	None
Absent	:	Perea

- - - -

**(5-A) DIRECT STAFF TO SOLICIT PROPOSALS FOR A SOLID WASTE TRANSFER STATION WITH A STATUS REPORT TO COUNCIL WITHIN 60 DAYS - COUNCILMEMBER RONQUILLO AND PRESIDENT PEREA**

Councilmember Ronquillo stated a transfer station was long overdue, spoke to a potential site and briefly on the benefits to the city, and stated the City needed to do all it could to initiate and expedite a process as quickly as possible. PUD Director McIntyre referenced the informational item submitted, apologized for its lateness, and along with Councilmember Ronquillo spoke to various issues including staff's previous efforts, determining a new site, companies currently going through the permit process, the substantial investment of the proposers, reasons the Fruehauf site was rejected, the nature of the facility, opposition expected no matter the location, and need to be careful in preparing an RFP relative to stipulating a level of mitigation.

Barbara Hunt, 2475 S. Walnut, spoke to issue.

Councilmember Boyajian stated this was a big issue and expressed his concern that Council had not received any background information or input on the front side, questioned why a transfer station was needed and if there were alternatives, stressed more information and input from the community/industry was needed, and stated receiving information late was inappropriate, with City Manager Hobbs stating this was scheduled as a discussion item only. Councilmember Duncan stated he concurred with Councilmember Boyajian, commented on and/or presented questions relative to the economics of a transfer station, the two companies planning to build transfer stations, if the intent would be to contract with one of the companies, if the companies would build whether they contracted with the city or not, how the economics would work for the companies to do business, the idea being a good one but it being premature to move forward, need to feel comfortable that the economics will work, and need to have a workshop first on the issue before committing staff time, with Mr. McIntyre responding to questions.

Lengthy discussion continued with Mr. McIntyre and Mr. Hobbs clarifying issues and/or responding to questions and/or comments of Councilmembers Quintero, Calhoun and Boyajian relative to the two companies going through the process and if they had a site determined, past opposition to the Fruehauf site, cost for a transfer station, the City not committing capital at this time, the \$7 million dollars of solid waste reserves committed to the regional park eliminating funding for a transfer station, additional costs and if the users would pay for that cost, time line for a staff report/workshop, Mr. Hobbs stating a workshop would be scheduled with all players before investing staff time on the issue **(2 - 0)**, if staff had a list available of other companies that build transfer stations, concern with red tag items, if Mr. McIntyre was filling both PUD Director and Water Manager duties and concern with his workload, and need to invite the solid waste industry to the workshop.

Councilmember Ronquillo spoke to his knowledge and experience on the matter as one of the senior Council members; emphasized this was a chance to save money, a business was willing to invest, and he was asking staff to do a basic fundamental thing; commented on the savings that could be expected and the liability the city faces and questioned what the deal was and if politics was being played; and urged Council to move forward and amended his request and made a motion to direct staff to solicit proposals for a solid waste transfer station with a status report within 60 days and a workshop within 30 days, which motion was seconded by Acting President Castillo. Councilmember Duncan stated politics was not involved from his perspective, noted the city had been working on the issue since 1992 so there must be some issues involved, stated this was about doing the right thing and all he was asking for was information to see if the numbers made sense, and stated he supported a workshop as soon as possible and he would not support the motion, with Councilmember Boyajian concurring.

Councilmember Ronquillo stated a past council member buckled under community pressure on the Shaw/99 site, stated if a properly built facility was to be located in his district he could sell it, stated there were a lot of unseen issues that needed to be considered and explained, questioned what the shortest possible time was for staff to schedule a workshop on the issue to receive information (with Mr. McIntyre responding August 20<sup>th</sup>), and made a new motion to direct staff to schedule a workshop on August 20th on transfer stations and alternatives with an invitation to the solid waste industry and a letter on what might be expected, which motion was seconded by Councilmember Duncan.

Mr. McIntyre responded to questions and/or comments of Acting President Castillo relative to whether a transfer station built in the city would be limited from hauling from other cities, investors realizing there is money to be made and not waiting on the City of Fresno, if a workshop and RFP could be done at the same time, if staff was ready to go on the RFP, a transfer station costing \$3 - \$5 million and the city's investment being \$2,000 to \$5,000 in staff time, there being an anticipated \$250 to \$750 million in savings, the earliest a transfer station could be up and running, the two companies currently going through the process and how long it would take a new company to go through the process, if it made sense to stay involved with the current companies, and number of jobs that would generated. Acting President Castillo stated he wished everyone could see the wisdom in this, he knew of the importance of a transfer station and staff knew the savings, and that this was a win-win for the city of Fresno.

On motion of Councilmember Ronquillo, seconded by Councilmember Duncan, duly carried, RESOLVED, a workshop on solid waste transfer stations and alternatives set for August 20, 2002, and staff to invite the solid waste industry to attend and send a letter advising what might be expected, by the following vote:

Ayes	:	Boyajian, Duncan, Quintero, Ronquillo, Castillo
Noes	:	Calhoun
Absent	:	Perea

- - - -

(ADD ON) PROCLAMATION OF FAR-SIGHTED 4-H CLUB DAY

Read and presented.

- - - -

**(9:15 A.M.) APPEARANCE BY CHUCK McALEXANDER AND MIKE BERG OF FRESNO UNIFIED SCHOOL DISTRICT TO UPDATE COUNCIL ON THE ACQUISITION OF NEW SCHOOL SITES FUNDED BY MEASURE "K" - COUNCILMEMBER BOYAJIAN**

Mike Berg, Administrator of Facilities, Management and Planning, gave a power point presentation at length covering the issues of Measure "K" funds, major steps in building a school, determining sites and the acquisition process **(3 - 0)**, and past and continued collaboration with the City.

Speaking to the issue were: Barbara Hunt, 2475 S. Walnut; and Marsha Simpson, 2882 E. Huntington Boulevard.

Lengthy discussion ensued on issues relative to importance of partnering with FUSD on premium after-school programs, the proposed charter/magnate school, contacting Fresno County to see if their position had changed, coordinating schools with housing, the Fruit/Dakota site, coordinating recreation facilities at Quigley Playground, if the Dakota/Marks area had been considered, if FUSD had discussions with the Mayor's office on recreational issues, **(4 - 0)** and need for the Mayor's staff to be involved, with Mr. Berg and Mayor Office of Education Advocates Madrid and Warner responding to questions and/or clarifying issues. There was no further discussion.

- - - -

**(10:00 A.M.) HEARING ON PROPOSED ANNUAL ASSESSMENTS FOR LANDSCAPING AND LIGHTING MAINTENANCE DISTRICT (LLMD) NO. 1**

**1. RESOLUTION NO. 2002-242 - APPROVING THE ENGINEER'S REPORT AND LEVYING ANNUAL ASSESSMENTS FOR LLMD NO. 1**

Acting President Castillo announced the time had arrived to consider the issue and opened the hearing. Interim Public Works Director Owens gave a brief overview of the staff report as submitted.

Barbara Hunt, 2475 S. Walnut, spoke to the issue.

Upon call, no one wished to be heard and Acting President Castillo closed the hearing.

On motion of Councilmember Duncan, seconded by Acting President Castillo, duly carried, RESOLVED, the above entitled Resolution No. 2002-242 hereby adopted, by the following vote:

Ayes	:	Boyajian, Calhoun, Duncan, Quintero, Castillo
Noes	:	None
Absent	:	Perea, Ronquillo

- - - -

**(10:15 A.M.) HEARING TO CONSIDER THE VACATION OF BROADWAY PLAZA, THE BROADWAY DIAGONAL, THE BROADWAY-"H" ALLEY, AND THE BROADWAY DIAGONAL REVERSAL IN THE AREA BOUND BY "H", MERCED, FULTON AND TUOLUMNE STREETS - R.I. 1028-D**

**1. \* RESOLUTION NO. 2002-243 - ORDERING THE VACATION OF BROADWAY PLAZA, THE BROADWAY DIAGONAL AND THE BROADWAY-"H" ALLEY**

**2. \* RESOLUTION NO. 2002-244 - ORDERING THE VACATION OF THE BROADWAY DIAGONAL AND THE BROADWAY DIAGONAL REVERSAL**

Acting President Castillo announced the time had arrived to consider the issue and opened the hearing.

A motion was made to approve staff's recommendation and Interim Public Works Director Owens gave a brief overview of the issue as contained in the staff report as submitted.

Upon call, no one wished to be heard and Acting President Castillo closed the public hearing.



On motion of Councilmember Duncan, seconded by Councilmember Calhoun, duly carried, RESOLVED, the above entitled Resolution Nos. 2002-243 and 2002-244 hereby adopted, by the following vote:

Ayes	:	Boyajian, Calhoun, Duncan, Quintero, Castillo
Noes	:	None
Absent	:	Perea, Ronquillo

Agency Director Fitzpatrick responded briefly to questions of Councilmember Boyajian relative to the development planned for the property. Councilmember Ronquillo returned to the meeting at 11:01 a.m.

- - - -

**(10:30 A.M.) HEARING ON REZONING APPLICATION NO. R-02-007, FILED BY VENDO COMPANY, PROPERTY LOCATED AT 7209 N. INGRAM AVENUE**

**1. BILL NO. B-39 - ORDINANCE NO. 2002-38 - AMENDING THE OFFICIAL ZONE MAP TO REZONE FROM M-1 LIGHT MANUFACTURING DISTRICT AND M-3, HEAVY INDUSTRIAL DISTRICT TO C-M, COMMERCIAL AND LIGHT MANUFACTURING (LOCATED IN DISTRICT 2)**

Acting President Castillo announced the time had arrived to consider the issue and opened the hearing. Planner Dilbeck reviewed the issue as contained in the staff report as submitted and a motion and second was made to approve staff's recommendation.

Rod McNeely, representing the applicant, spoke in support of staff's recommendation, and along with City Attorney Montoy and Mr. Dilbeck responded to questions of Councilmember Boyajian relative to what was being planned for the property, if Vendo was expanding, and the development conditions recommended by the Bullard Community Plan Implementation Committee.

Upon call, no one else wished to be heard and Acting President Castillo closed the hearing.

On motion of Councilmember Ronquillo, seconded by Councilmember Calhoun, duly carried, RESOLVED, the Negative Declaration for Environmental Assessment No. R-02-007, dated May 24, 2002, hereby approved, and the above entitled Bill No. B-39 adopted as Ordinance No. 2002-38, by the following vote:

Ayes	:	Boyajian, Calhoun, Duncan, Quintero, Ronquillo, Castillo
Noes	:	None
Absent	:	Perea

- - - -

**(10:45 #2) CONSIDER ADOPTION OF ORDINANCE RELATING TO DOWNTOWN PARKING**

**1. \* BILL NO. B-37 - ORDINANCE NO. 2002-39 - AMENDING FRESNO MUNICIPAL CODE SECTION 10-1404 RELATING TO PARKING METER ZONES AND HOURS OF OPERATIONS, AS AMENDED**

Upon question of Councilmember Quintero, City Attorney Montoy clarified the subject ordinance was basically saying any changes could be made by Council resolution (therefor action could be taken on the following item (10:45 a.m. #3), and that it did not relate to rates. Transportation Manager Madewell added the ordinance would simply change the boundaries on the map of the downtown parking meter zone already in place.

Speaking to the issue and expressing various concerns were: Barbara Hunt, 2475 S. Walnut; Leah Ann Alcazar, 825 E. Yale; John Ostlund, 670 “P” Street, who also submitted photographs; and Kendall Simsarian, Downtown Association.

Councilmember Duncan made a motion to approve staff’s recommendation, spoke in support and to the need for revenues to provide parking and maintain it, stressed costs for parking was a significant subsidy the city could no longer afford, and clarified meter revenues paid for parking needs and did not pay for the stadium. Councilmember Calhoun seconded the motion.

Extensive discussion ensued with Councilmembers Ronquillo and Quintero speaking to the issue and/or presenting questions relative to Pasadena’s investment in downtown parking, the city’s efforts in acquiring property to provide parking, cost for the boxcar lot near Tuolumne, the City being unable to require county, state or governmental agencies to provide parking for their employees, need for downtown employees to use the lots acquired by the city and the agency/business have transportation available for employees to get to their cars in emergencies, if staff had met with Fresno County, **(5 - 0)** proposal for parking along Warehouse Row/the Santa Fe Depot, why meters were changed in the Santa Fe Depot area, if the Parking Authority should be brought back to look at the parking issue and make recommendations, City Manager Hobbs stating (1) there were no easy answers and the city could not make everyone happy, (2) people did not want to pay for parking or pay increased prices, (3) Council needed to give the plan a chance to work reiterating it could be fine-tuned down the road, and (4) that Fresno was on the verge of becoming a large urban downtown and parking would not be free anymore or as cheap as it was; concern that downtown employees, businesses and customers were the ones suffering and being used as “an experiment”, suggestion to charge more for stadium event tickets, the ordinance making it easier to make changes in the future and providing a better framework to make adjustments as the issue evolves, there being a significant increase in available parking in the next two years, concern with downtown employees paying a huge increase over what they were paying, importance of employers paying for employee parking, clarification that meters are for mall customers and not for employees, concern with lack of collaboration from downtown governmental agencies on the issue, how the meter zones were established, affect of meters on industrial areas, enforcement in industrial areas, reason for meters being extended to 10:00 p.m. in the mall specific area not being the same for the non-mall area, Councilmember Ronquillo requesting the motion be amended to exclude the industrial area north of Fresno and west of the railroad from the parking meter zone map (with Councilmember Duncan accepting the amendment), businesses in the non-mall specific area being affected by the two-hour meters and need to look at that issue **(6 - 0)**, and parking on private improved lots and enforcement, with Agency Director Fitzpatrick, Mr. Madewell, Mr. Hobbs, Ms. Montoy clarifying issues and responding to questions.

Councilmember Calhoun spoke to the amended motion stating he did not support it and withdrew his second, whereupon the motion was seconded by Councilmember Ronquillo.

Additional discussion ensued with Mr. Madewell responding to question of Acting President Castillo relative to the likelihood of staff continuing to meet with people and businesses on impacts and concerns, how soon staff could return to council with a plan that is final, if the \$35.00 parking passes for downtown employees had been publicized, need to continue outreach, if the State had a need for an additional 400 spaces, and car-pool parking including cost and monitoring.

On motion of Councilmember Duncan, seconded by Councilmember Ronquillo, duly carried, **RESOLVED**, the above entitled Bill No. B-37 adopted as Ordinance No. 2002-39, *as amended, deleting the area north of Fresno Street and west of the railroad tracks from the parking meter zone*, by the following vote:

Ayes : Boyajian, Duncan, Ronquillo, Castillo  
Noes : Calhoun, Quintero  
Absent : Perea

- - - -

**(10:45 A.M. #3) RECONSIDER AND RESCIND A PORTION OF PRIOR COUNCIL ACTION REGARDING TIME LIMITS FOR PARKING METERS IN THE DOWNTOWN AREA - COUNCILMEMBER QUINTERO**

Withdrawn by Councilmember Quintero to a later date.

**1. DISCUSS PARKING METER CITATIONS/FINES THAT OCCURRED ON JULY 4<sup>TH</sup> IN THE VICINITY OF THE DOWNTOWN STADIUM - COUNCILMEMBER BOYAJIAN**

Councilmember Boyajian stated this was a public relations issue and he felt July 4<sup>th</sup> should have been a 1-day grace period for metered parking and questioned if the hearing officer could charge those cited \$5.00 instead of \$17.00, with City Attorney Montoy stating Council could not direct the hearing officer to rule in a particular way. Councilmember Duncan concurred with Councilmember Boyajian stating a little more flexibility was called for this one time. Councilmember Ronquillo suggested next year's stadium event be advertised as a fireworks jubilee with additional security and explained. Upon question of Acting President Castillo Ms. Montoy stated staff could be directed in the future to come back with a list of downtown events when meters would not be enforced, and City Manager Hobbs expressed his concern stating that went against the city's business plan. There was no further discussion. Councilmember Ronquillo left the meeting at 12:55 p.m. and returned after the lunch recess.

- - - -

**(11:00 A.M.) HEARING TO APPROVE ASSESSMENTS FOR COSTS INCURRED BY THE CITY FOR WEED DISCING, TRASH AND DEBRIS REMOVAL, DEMOLITIONS, AND SECURING OF STRUCTURES FOR FISCAL YEAR 2002**

**1. RESOLUTION NO. 2002-246 - RELATING TO THE COST AND ASSESSMENT FOR PUBLIC NUISANCE, WEED ABATEMENT AND CODE ENFORCEMENT ACTION FOR FY 2002**

Acting President Castillo announced the time had arrived to consider the issue and opened the hearing.

Code Enforcement Manager Villa gave a brief overview of the issue as contained in the staff report as submitted and advised the amount in unpaid invoices had changed from \$55,010.68 to \$51,638.30. A motion and second was made to approve staff's recommendation.

Speaking to the issue was an unidentified gentleman who spoke to concerns with his vacant lot next door to property owned by Councilmember Ronquillo and the dumping of debris on his lot; and Barbara Hunt, 2475 S. Walnut. Upon question, Mr. Villa advised the gentleman's property was not on the assessment list and it was a separate issue.

Upon call, no one else wished to be heard and Acting President Castillo closed the hearing.

On motion of Councilmember Duncan, seconded by Councilmember Calhoun, duly carried, RESOLVED, the above entitled Resolution No. 2002-245 hereby adopted and staff authorized to forward the Assessment Report to the Fresno County Tax Assessor, by the following vote:

Ayes	:	Boyajian, Calhoun, Duncan, Quintero, Castillo
Noes	:	None
Absent	:	Perea, Ronquillo

- - - -

**(11:15 A.M.) HEARING TO APPROVE INSTALLATION OF BIKE LANES AND APPROVE THE PROHIBITION OF PARKING ALONG PALM AVENUE FROM BULLARD TO HERNDON, AND ALONG MCKINLEY AVENUE FROM CHESTNUT TO CLOVIS**

Acting President Castillo announced the time had arrived to consider the issue, opened the hearing, and a motion and second was made to approve staff's recommendation.

Speaking in support and/or to the issue were: Nick Paladino; Barbara Hunt, 2475 S. Walnut; and Kendall Simsarian, 404 E. Lansing.

Upon call, no one else wished to be heard and Acting President Castillo closed the hearing.

On motion of Councilmember Quintero, seconded by Councilmember Duncan, duly carried, RESOLVED, the installation of bike lanes on both project locations hereby approved, and the removal of on street parking at all locations within the project boundaries authorized, by the following vote:

Ayes	:	Boyajian, Calhoun, Duncan, Quintero, Castillo
Noes	:	None
Absent	:	Perea, Ronquillo

- - - -

**LUNCH RECESS - 1:08 P.M. - 2:35 P.M.**

**(5-G) REQUEST FOR REPORT FROM PUBLIC WORKS AND THE POLICE DEPARTMENT ON THE STATUS OF THE RED LIGHT CAMERA AND REVENUE GENERATED - COUNCILMEMBER CALHOUN**

Councilmember Calhoun commented briefly on the report and the questions it raised and extensive discussion ensued with Deputy Chief Frost and Council Assistant Kloose responding to questions and/or comments of Councilmembers Calhoun, Duncan, Boyajian, Quintero, Ronquillo and Acting President Castillo relative to the number of violations, concern with amount being discarded due to the driver not being visible, concern with the 10% cite rate, inability to afford the cameras if they do not result in revenues, why the two locations that intersect with Freeways 41 and 99 with the highest accident rate were not chosen for cameras **(7 - 0)**, the issue not being about dollars but about safety and concern with a TV channel's statement to that effect, the current locations being chosen for good reasons, people continuing to run red lights, the 3 year testing period and need to move forward, if Fresno was still in the top

ten for fatal accidents, definition of exempt and non-exempt violations, definition of event review, why so many citations were discarded, if staff had talked with Nestor, if staff was surprised by the numbers submitted, if staff felt the program was working and successful, criteria for locations, if there was flexibility to switch to other locations, lighting used, if additional cameras were planned to be installed in the future, if the Jensen/Cedar intersection had been considered, system technology and if any upgrades were planned, Fresno County's collection of the revenues, intent being to save lives and need to educate citizens, displaying signs at each intersection with the \$270.00 fine amount, need to work to get some revenues back for additional traffic officers, other locations that met criteria, status of signal synchronization project, if Nestor was one of the leaders in this business, problems with the photographs, if the City had any recourse against Nestor due to the non-perfection of cameras, and need for competition and suggestion to staff to encourage another company to do the job. There was no further discussion.

- - - -

**(2:00 P.M. #1) CONTESTED CONSENT ITEMS:**

**(1-B) APPROVE ACQUISITION OF EASEMENTS FOR THE NORTH AVENUE TRUNK SEWER FROM 349 E. NORTH AVENUE (APN 329-180-07) AND 247 W. NORTH AVENUE (APN 329-161-11)**

Interim Public Works Director Owens and Real Estate Agent Balch responded to questions of Councilmember Ronquillo relative to the two processes (right of way acquisition for the pipe and North Avenue improvements) with Councilmember Ronquillo stating it would be a real tragedy if the City does not deal with a consistent width for North Avenue from Elm to Freeway 99.

Barbara Hunt, 2475 S. Walnut, spoke to the issue.

On motion of Councilmember Ronquillo, seconded by Councilmember Duncan, duly carried, RESOLVED, the acquisition and acceptance of Deeds of Easements for the North Avenue Trunk Sewer from Gerardo and Miriam Guzman for property at 349 E. North Avenue (APN 329-180-07) and from Zelma Watkins for property at 247 W. North Avenue (APN 329-161-11) for the appraised values of \$15,500 and \$4,100, respectively, hereby approved, and the Interim Public Works Director authorized to execute all documents necessary to complete the purchase of the easements through escrow, by the following vote:

Ayes	:	Boyajian, Calhoun, Duncan, Quintero, Ronquillo, Castillo
Noes	:	None
Absent	:	Perea

**(1-G) AWARD A CONTRACT TO ROGER PETERSEN INVESTMENTS OF FRESNO IN THE AMOUNT OF \$4,874,460 WITH SEMI-ANNUAL LEASE PAYMENTS OF \$162,482 TO DESIGN, BUILD AND LEASE WITH OPTION TO PURCHASE A NORTHEAST AREA POLICE SUBSTATION**

Capt. Martin, Northeast Commander, Assistant City Manager Souza, Purchasing Manager Taggart and Deputy Chief Frost responded to questions and/or comments of Councilmember Calhoun relative to the lease/option to purchase model, if this would be a model for other substations **(8 - 0)**, if staff was satisfied with the lowest bidder,

if the lease/option to purchase was the best financial deal for the city, limited number of bidders who responded, if staff had any concerns with the \$1 million bid spread, if staff was confident with Roger Peterson, if this station would be a potential model for other city facilities, and if the city had the option to pay off at any time.

A motion and second to approve staff's recommendation was made and acted upon after additional brief discussion with City Attorney Montoy and Mr. Souza responding to questions of Councilmember Boyajian relative to a lease contract, who would own the building while leasing, actual cost for the project, and funding source.

Barbara Hunt, 2475 S. Walnut, spoke to the issue.

On motion of Councilmember Calhoun, seconded by Councilmember Duncan, duly carried, RESOLVED, a contract to design, build and lease with option to purchase a Northeast Area Police Substation hereby awarded to Roger Petersen Investments of Fresno in the amount of \$4,874,460 with semi-annual lease payments of \$162,482, by the following vote:

Ayes	:	Calhoun, Duncan, Quintero, Ronquillo, Castillo
Noes	:	Boyajian
Absent	:	Perea

**(1-H) \* RESOLUTION NO. 2002-246 - 3<sup>RD</sup> AMENDMENT TO AAR 2002-216 APPROPRIATING \$53,500 TO COVER THE LEASE PURCHASE COST OF A FIRE ENGINE TO REPLACE ENGINE NO. 14 WHICH WAS WRECKED IN A MOTOR VEHICLE ACCIDENT (IN CONJUNCTION WITH THE BID PURCHASE OF ENGINE 16 FROM FERRARA FIRE APPARATUS**

An unidentified fire department staff member and Assistant City Manager Souza responded to questions of Councilmember Boyajian relative to the Macias Group's recommendation and if there were any alternatives to purchasing the fire engine.

On motion of Councilmember Boyajian, seconded by Councilmember Duncan, duly carried, RESOLVED, the replacement of Engine 14 through the lease/purchase process and in conjunction with the bid purchase of Engine 16 from Ferrara Fire Apparatus hereby approved, and the above entitled Resolution No. 2002-246 hereby adopted, by the following vote:

Ayes	:	Calhoun, Boyajian, Duncan, Quintero, Ronquillo, Castillo
Noes	:	None
Absent	:	Perea

- - - -

**RECESS - 3:52 P.M. - 4:00 P.M.**

**(2:00 P.M. #2) CITY COUNCIL CLOSED SESSION:**

**(A) CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION - CASE NAMES:**

1. MIKE MORALES, CECILIA MORALES AND JOHN BEHRENS V. FRESNO METROPOLITAN FLOOD CONTROL DISTRICT, CITY OF FRESNO

2. FRESNO SUPREME V. CITY OF FRESNO AND RELATED CROSS ACTION CITY OF FRESNO V. FRESNO SUPREME
3. RIVERVIEW ESTATES V. CITY OF FRESNO
4. CITY OF FRESNO V. CITY OF CLOVIS, CITY COUNCIL OF THE CITY OF CLOVIS (PAYNTER REALTY AND INVESTMENTS, INC., DAVID PAYNTER - REAL PARTIES IN INTEREST)

(C) CONFERENCE WITH LEGAL COUNSEL - ANTICIPATES LITIGATION - SIGNIFICANT EXPOSURE TO LITIGATION: CLAIM OF J. COBARRUVIAS

**(2:00 P.M. #3) REDEVELOPMENT AGENCY CLOSED SESSION:**

**(A) PUBLIC EMPLOYEE PERFORMANCE EVALUATION - TITLE: REDEVELOPMENT AGENCY EXECUTIVE DIRECTOR**

The City Council and the Redevelopment Agency met in closed session in Room 2125 at the hour of 4:00 p.m. and adjourned thereafter.

- - - -

#### **ADJOURNMENT**

There being no further business to bring before the Council, the hour of 6:00 p.m. (approximately) having arrived and hearing no objections, Acting President Castillo declared the meeting adjourned.

**APPROVED** on the 23<sup>rd</sup> day of July, 2002.

\_\_\_\_\_  
Brad Castillo, Acting Council President

ATTEST: \_\_\_\_\_  
Yolanda Salazar, Assistant City Clerk